IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 12110 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BHANUBEN WD/O HARMANBHAI JADAV - Petitioner(s)

Versus

SANYOG ELECTRICALS PVT. LTD. - Respondent(s)

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Appearance :

MR RE VARIAVA for Petitioner(s) : 1, 1.2.1, 1.2.2, 1.2.3, 1.2.4,1.2.5

MR KM PATEL for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 10/01/2006

ORAL JUDGMENT

1. This petition is directed against the order dated 7th April 2001 passed by the Labour Curt, Vadodara in Reference (LCV) No.365 of 1997 whereby the reference

preferred by the petitioner has been rejected and the earlier order passed in Reference (LCV) No.270/91 has been quashed and set aside.

2. The short facts of the case are that the petitioner was working as driver with the respondent institution. There was an accident on 27.10.1990 as a result of which he sustained serious injuries. Due to this he could not attend the service for about two months and thereafter when he approached the respondent, he was informed that two new drivers were recruited and the petitioner is required to resign. He was, therefore, removed from service. The petitioner therefore raised a dispute which was referred to the Labour Court, Vadodara for adjudication and the same was registered as Reference (LCV) No.270 of 1991. The said reference was allowed and the petitioner was ordered to be reinstated in service with full back wages. The respondent herein has filed an application and the matter was again taken on file being numbered as Reference (LCV) No.365 of 1997. Ultimately the Labour Court rejected the claim of the petitioner as stated hereinabove.

3. The petitioner workman has expired and his legal

heirs were brought on record.

4. As a result of hearing and looking to the overall facts and circumstances of the case, I am of the view that ends of justice would be met by directing the respondent to pay an ex-gratia payment in the sum of Rs.15000/- since the workman has worked for several years. Learned counsel for the respondent is unable to contest this aspect.

5. In the premises aforesaid, a sum of Rs.15000/- (Rupees fifteen thousand shall be paid to the legal heirs of the deceased workman) being ex-gratia payment in lieu of all claims against the respondent company. On payment of the aforesaid amount the petitioner will have no claim against the respondent company. The payment of Rs.15000/- shall be paid to the widow of the deceased workman by account payee cheque, within a period of four weeks from today. Rule is made absolute accordingly with no order as to costs.

[K.S. JHAVERI, J.]

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